IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Bail Appl..No. 801 of 2007()

CMP.214/2007 of J.M.F.C.-II, SULTHANBATHERY

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PETITIONER/ACCUSED IN CUSTODY

THANKACHAN @ THOMAS.K.J.,
S/O.JOSEPH, KALLATTIL HOUSE, PATHIRIYAMBAM,
NADAVAYAL, WAYANAD DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.CELINE JOSEPH

RESPONDENTS: COMPLAINANT

STATE-EXCISE RANGE OFFICER,
SULTHAN BATHERY EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 801 of 2007

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DATED: 12-02-2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the sole accused in Crime No. 7 of 2007 of Sulthan Bathery Excise Range for offences punishable under Secs.8 (1) and 8(2) of the Abkari Act for having been found in possession of 7 liters of Karnataka arrack, seeks his enlargement on bail. Petitioner was arrested on 20-01-2007.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case etc., I am inclined to grant bail to the petitioner with effect from a future date. Accordingly, the petitioner is directed to be released on bail with effect from 20-02-2007 on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Sulthan Bathery and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

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